

August 21, 2020

**RE: CASE 20-CV-4340 (GBD-SN): DEFENDANT CITY OF  
NEW YORK AND DEFENDANT HPD WERE  
PROPERLY SERVED ON JULY 15, 2020, AND FAILED  
TO RESPOND WITHIN 21 DAYS**

The Hon. Sarah Netburn  
Magistrate Judge  
United States District Court for the Southern District of New  
York  
500 Pearl St. New York, NY 10007-1312

Dear Hon. Judge Netburn,

1. On June 23, 2020, I, Abraham Gross (“Plaintiff”) asked counsel Ms. Samantha Schonfeld- who has been representing the City of New York/HPD as of July 2019-where I should serve. Counsel instructed to serve at [serviceecf@law.nyc.gov](mailto:serviceecf@law.nyc.gov)
2. Plaintiff complied on July 15, 2020, and received confirmation that: “this email confirms receipt of email and constitutes proof of service at the Office of

the Corporation Counsel for the City of New York” (see EXHIBIT A).

3. Pursuant to FED.R.CIV. 12 (a) (i): “A defendant must serve an answer within 21 days after being served with the summons and complaint”. As such, Defendants were required to serve an answer on or about August 13, 2020. They have not done so.
4. Pursuant to FED.R.CIV.P. 55(a): “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit, the clerk must enter the party’s default”.
5. Accordingly, Plaintiff respectfully asks the Hon. Court that pursuant to 545 days of unmerited torment, overwhelming evidence that Defendants are engaged in a criminal enterprise, and for all the compelling reasons stated in prior submissions, that the Hon. Court swing the pendulum of justice away from judicial endorsement of fraud, corruption, and embezzlement, and instead (a) issue a ruling in favor

of Plaintiff in accordance with the clear language of FED.R.CIV.P. 55(a) (b) in the interim, grant the Plaintiff temporary relief, today, August 21, 2020 in one of the 22 vacant units that Defendants were forced to admit are still vacant, and which has not been embezzled (c) declaratory, injunctive relief as stated in Plaintiff's prior Order to Show Cause pending on the docket (d) grant an emergency hearing to prevent Defendants from further deleting evidence from ACRIS (e) any other relief the Hon. Court deems just and proper.

I, Abraham Gross, hereby affirm under the penalty of perjury that the forgoing is true and accurate to the best of my knowledge and belief.



August 21, 2020

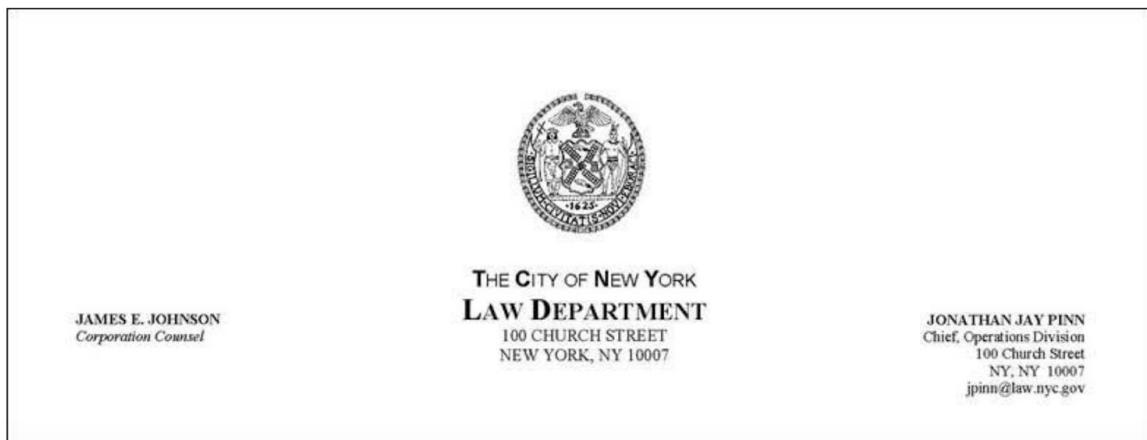
## EXHIBIT A

**ServiceECF (Law) <ServiceECF@law.nyc.gov>**  
to me ▾

Wed, Jul 15, 4:42 PM

This email confirms receipt of email and constitutes proof of service at the Office of the Corporation Counsel for the City of New York. Please retain it for your records. Please note that the Office of the Corporation Counsel has accepted service only for the City of New York and entities for which the Law Department is authorized to accept service, including the Mayor and City Agency Heads named in their official capacities. Service of process on any individually named parties has not been accepted.

**This mailbox is only monitored for service. Please call (212) 356-1140 with any questions or concerns.**



Avi Gross <agross2@gmail.com>  
to serviceecf ▾

⌚ Jul 15, 2020, 4:41 PM

### 3 Attachments



 Avi Gross

(1) Ok. Thank you for responding. (2) Ms. Schonfeld, where should I serve? (3) As counsels, please take notice of additional evidence substantiatin...

Schonfeld, Samantha (LAW) <sschonfe@law.nyc.gov>

Tue Jun 23 12:39 PM

You can serve me electronically at [serviceecf@law.nyc.gov](mailto:serviceecf@law.nyc.gov)